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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives approved and ordered enrolled for ratification **S.511**, a bill revising the **periodic assessment of county child protection, foster care, and adoption services**. The bill replaces the current biennial performance audit with a requirement for a substantive quality review that must be conducted at least once every five years on the child protective services and foster care programs in each county and each adoption office in the State. Under the new legislation, the county's performance must be assessed with reference to specific outcome measures published in advance by the Department of Social Services. The quality review must assess the accuracy of program data being submitted by the county and examine data and other sources to determine the extent to which outcomes are being achieved. The bill specifies that the report of the findings of the assessment must be in narrative form with supporting data. The legislation also revises how the report is to be distributed including a requirement that the report must be made available to the public on the department website.

On Wednesday, January 16, the House of Representatives and the Senate sat in joint assembly to hear the Governor's annual **State of the State Address**. In his fourth State of the State Address, the Honorable Jim Hodges emphasized security concerns, educational improvement, and economic development.

The House amended, approved, and sent to the Senate **H.4392**, a bill that **exempts presidents of the South Carolina technical college system from State employee grievance rights and procedures**. Under the bill, a technical college president shall be employed at the will of the area commission.

The House approved and sent to the Senate **H.4498**, a joint resolution pertaining to **nursing home annual franchise fees**. The legislation provides that beginning February 1, 2002 through June 30, 2003, nursing homes must pay an annual franchise fee based upon the total patient days served by the nursing home multiplied by a three dollar per patient day fee. The legislation makes further provisions for the calculation and collection of this fee.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee did not meet this week.

JUDICIARY

The full Judiciary Committee did not meet this week.

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

WAYS AND MEANS

The full Ways and Means Committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4516 *ALLIGATOR FARMING FOR POULTRY MORTALITY DISPOSAL* Rep. Sharpe

This joint resolution extends by three years the pilot program of alligator farming for the purpose of determining the feasibility of alligator farming for poultry mortality disposal.

**H.4524 STATE PARK ADMISSION PRIVILEGES
FOR TEACHERS** Rep. Clyburn

This bill extends to public school teachers the privileges of free admission to state parks and reduced rates for use of park campsites.

**H.4540 THE SPECIAL WATER RECREATIONAL RESOURCES FUND,
THE COUNTY WILDLIFE FUND, AND THE PARKS AND
RECREATION DEVELOPMENT FUND** Rep. Knotts

This bill provides that matters relating to the approval of projects funded under the special water recreational resources fund, the county game fund, and the county parks and recreation development fund are under the jurisdiction of respectively, a county water recreational resources fund committee, a county game fund committee, and a county parks and recreation development fund committee, which are appointed by county legislative delegations. The bill also provides that a legislative delegation may elect not to appoint a county game fund committee or a county parks and recreation development fund committee and may instead devolve the duties of these committees on the county water recreational resources fund committee.

EDUCATION AND PUBLIC WORKS

S.173 PURPLE HEART LICENSE PLATES Sen. Moore

This bill increases from one to two the maximum number of Purple Heart license plates that may be issued to a qualified person. The bill also adds that the plate may be used on a motorcycle as well as on a private passenger motor vehicle (as is currently provided).

S.743 "PROJECT PET" SPECIAL LICENSE PLATES Sen. Bauer

This bill provides for the issuance of "Project Pet" special license plates and provides for the distribution of fees collected for these plates to local private nonprofit groups offering animal spaying and neutering services.

H.4494 U.S. MILITARY RESERVE LICENSE PLATES Rep. Lucas

This bill deletes the provision that limits issuance of the special U.S. Military Reserve license plate to one per person. The bill also provides that retired, as well as active (as is currently provided) members of the Military Reserve may purchase these plates, and the bill requires that these plates issued to retired Reserve members shall bear the word "Retired."

**H.4519 NONPROFIT ORGANIZATION SPECIAL LICENSE
PLATES** Rep. Easterday

This bill allows for the issuance of special license plates which are imprinted with the emblem, seal, or symbol of an organization which has obtained certification pursuant to Section 501(C)(8) of the Federal Internal Revenue Code (fraternal beneficiary societies, orders, or associations).

H.4523 *LENGTH OF VEHICLE COMBINATIONS ON HIGHWAYS* Rep. Law

This bill increases from forty feet to seventy-five feet the maximum allowed length of two and three unit vehicle combinations on certain highways. The bill also deletes a provision that restricts the types of combination of vehicles coupled together that may consist of more than two units.

H.4530 *"PROJECT PET" SPECIAL LICENSE PLATES* Rep. Sharpe

This bill provides for the issuance of "Project Pet" special license plates and provides for the distribution of fees collected for these plates to local private nonprofit groups offering animal spaying and neutering services.

JUDICIARY

H.4496 *PERPETUITY CLAUSES* Rep. Campsen

This bill revises the uniform statutory rule against perpetuities by adding language which limits the effect of certain nontraditional clauses in trusts or other governing instruments to twenty-one years after the death of the survivor of the specified lives, thus making the clause a traditional perpetuity saving clause.

H.4499 *UNIFORM MEDIATION ACT* Rep. Campsen

This bill establishes the "Uniform Mediation Act" to provide that mediation communications are privileged, not subject to discovery, and not admissible in evidence in a proceeding. The legislation establishes what privileges apply and provides for circumstances under which a privilege can be waived. The bill specifies which mediation communications are not subject to a privilege. The legislation establishes disclosure requirements for a mediator.

H.4501 *PROPOSED CONSTITUTIONAL AMENDMENT ON PUBLIC OFFICERS PLAYING THE STATE LOTTERY* Rep. Scott

This joint resolution proposes an amendment to the South Carolina Constitution's prohibition on public officers gambling or betting on games of chance, so as to provide an exception that allows participation in lotteries conducted by the State of South Carolina.

H.4508 *PUBLIC NOTICE OF CONVICTION OF HABITUAL DRIVING UNDER THE INFLUENCE OFFENDERS* Rep. Loftis

This bill provides that the clerk of the court in which a person is convicted of a third or subsequent offense of driving under the influence of alcohol, another drug, or a combination of drugs or substances must publish at the expense of the convicted person a notice of the person's conviction and his picture in the manner legal notices are published in the county in which the person resides or, for nonresidents, in the county in which the person was convicted.

**H.4514 EXTENSION OF LAW ENFORCEMENT CERTIFICATION
REQUIREMENT FOR NATIONAL GUARD, STATE GUARD, AND
RESERVES Rep. McGee**

This bill revises certification requirements of law enforcement officers, so as to provide that in addition to exceptions to the one-year rule currently provided, the period of time within which a candidate must obtain the certification required to become a law enforcement officer is automatically extended for an additional period equal to the time the candidate performed active duty or active duty for training as a member of the National Guard, the State Guard, or a reserve component of the Armed Forces of the United States, plus ninety days.

**H.4515 RETURN TO ACTIVE DUTY OF A RETIRED COMMISSIONED
CONSTABLE Rep. Knotts**

This bill provides that, notwithstanding another provision of law, a retired law enforcement officer may return to active duty without completing law enforcement training at the Criminal Justice Training Academy if he is a commissioned constable and has completed all required continuing law enforcement education credits during his retirement period.

H.4531 TRAFFIC OFFENSE FEE Rep. Klauber

This bill provides that a two dollar fee must be assessed against a person charged with a traffic offense. The Comptroller General must place this fee into a special account and distribute it to South Carolina Crime Stoppers.

LABOR, COMMERCE AND INDUSTRY

**H.4527 AMBIGUITY IN SELLER AND LENDER CREDIT CARD AGREEMENTS
Rep. Rutherford**

This bill provides that where there is an ambiguity in a credit agreement or billing statement in connection with a seller credit card or lender credit card, such ambiguity must be resolved in favor of the consumer holder of the card rather than the issuer of the card.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4503 S.C. COMMISSION FOR THE BLIND Rep. Allison

This bill designates certain mandatory qualifications for members of the South Carolina Commission for the Blind and decreases from monthly to quarterly the required regular meetings of the Commission.

H.4512 SERVICES TO NURSING HOME PATIENTS Rep. Kirsh

This bill provides that, after specified training and evaluation, a "patient assistant" (as defined in the bill) may provide feeding and hydration services to patients in nursing homes under the onsite supervision of a licensed healthcare professional. The bill also provides that a patient assistant may not replace existing staff of a

nursing home and may not be counted toward meeting or complying with state or federal requirements for nursing care staff.

WAYS AND MEANS

H.4493 PARTICIPATION IN STATE HEALTH PLAN Rep. Cooper

Currently, employees of residential group care facilities which provide on-site teaching for residents, are eligible to participate in the State Health and Dental Insurance plans if the employees are current members of the State Retirement System and if the facility provides at no cost educational facilities on its grounds to the school district in which it is located. This bill provides that employees may be eligible for these insurance plans if they meet either of these two requirements for participation.

H.4495 PARTICIPATION IN STATE HEALTH PLAN Rep. Huggins

This bill provides that persons who are otherwise eligible for participation in retiree state health and dental insurance plans with state-paid premiums except for meeting the consecutive last five years of service requirement, may be eligible if any ten years of service were consecutive and in a full-time permanent position with a state-covered entity.

H.4500 ACCOMMODATIONS TAX AMENDMENTS Rep. Campsen

This bill amends the current Accommodations Tax allocation statutes by adding a definition for "day visitor" and authorizing the use of accommodations tax revenues for day visitors.

H.4507 MEDICAID PRESCRIPTION REIMBURSEMENT Rep. Quinn

This joint resolution suspends the two dollar and five cents reduction in the calculation of Medicaid prescription payment reimbursements provided by the Department of Health and Human Services in Medicaid Bulletin Pharm 01-06, effective with reimbursements paid for Medicaid prescriptions filled after the effective date of this resolution.

H.4509 LOTTERY REVENUE FOR SCHOOL BUSES Rep. Kelley

This joint resolution provides that all amounts credited to the Education Lottery Account from January 1, 2002 - June 30, 2002, and seventy-five percent of unclaimed lottery prize money credited to the Education Lottery Account from July 1, 2002 - December 30, 2002, are appropriated to the State Department of Education for purchasing new school buses.

H.4513 TARGETED JOBS TAX CREDIT Rep. Kelley

This bill establishes the designation of "distressed county" for purposes of the jobs tax credit, provides criteria for the designation, and allows a specified tax credit for each new full-time job created in a distressed county. The bill limits the "distressed" designation to no more than six counties. The bill also provides that specified numbers of contiguous counties who meet certain qualifications may join in a regional development alliance and be designated as "least developed" counties.

H.4518 POWERS OF COUNTY GOVERNING BODIES Rep. Sharpe

This bill provides that as an alternative to the graduated business license tax, a county may levy a flat tax in an amount not to exceed fifteen dollars per year.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.

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